IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION No. 613 of 2000

Between:

1 M/S. Sai Auto Finance, Regid, Office at Door No. 5-5,

1st floor, Upstairs, Near Republic Club,
Babu Agraharam, Srikalahasti, Chittor District,

rep.by its Managing Partner

D.Dhanunjaya son of D.S.Chennappa Naidu.
2 M.Surendra Babu, son of M.R. Venkatesam Chetty
M/S. Sai Auto Finance,
Babu Agraharam, Srikalahasti, Chittoor District.

..... PETITIONERS

AND

1 Union of India, rep.by its Secretary,

Food and Agricultural Department, New Delhi.
2 State of Andhra Pradesh, rep.by the District Collector,

Nellore, Nellore District.
3 The Inspector of Police
V.C., C.S.D., Nellore, Nellore District.
4 Ch. Ramesh Reddy, son of Abhimanya Reddy, Lorry owner,
Mambattu village & Post, Tada Mandalam,

Nellore District.

..RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to

issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the orders of the District Collector, Nellore in Rc.B.100/98, dated: 13/05/1999 confiscating the lorry bearing No. AP-16-T-4462 is illegal and without jurisdiction and direct the respondents 2 to 3 to release the lorry bering No. AP-16-T-4462 to the 1st Petitioner firm.

Counsel for the Petitioners : MR.P.KRISHNA REDDY

Counsel for Respondent No.1: Mr. L.Prabhakar Reddy, SC for CG.

Counsel for Respondent No.2 & 3 : G.P. for Civil Supplies

Counsel for Respondent No.4 : None

The Court made the following :

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ORDER :

The first petitioner is a firm carrying on the business of financing the purchase of motor vehicles. In one such deals, the petitioner financed to the fourth respondent for the purchase of Tata Lorry bearing No.AP 16T 4462. In connection with the offence allegedly committed by the fourth respondent under Sections 7 and 8 of the Essential Commodities Act, 1955 (for brevity 'the Act') the lorry and the essential commodities were seized. Proceedings under Section 6A of the Act were initiated and the essential commodities as well as the lorry were ordered to be seized by the District Collector. Having come to know this, the petitioner filed the present writ petition, *inter alia*, contending that seizure of the lorry on which the petitioners have right of ownership is illegal and arbitrary.

This Court while admitting the writ petition passed interim orders on 21-1-2000 in W.P.M.P.No.768 of 2000 directing release of the lorry on condition of the petitioners furnishing the security of immovable property for the value of the goods seized. Later the said order was modified on 15-9-2000 in W.P.M.P.No.21722 of 2000 allowing the petitioners to furnish Bank guarantee in place of immovable property. Learned counsel for the petitioners, however, is not able to say whether the petitioners have complied with the said condition and got the lorry released.

The second proviso to sub-section (1) of Section 6A of the Act authorises the District Collector to release the vehicle used for the carriage of goods in lieu of its confiscation by imposing a fine not exceeding the market price on the date of seizure of the essential commodity, which has been carried on by the said vehicle.

Therefore, the second respondent is directed to assess the value of the essential commodities which were being carried on by the lorry bearing No.AP 16T 4462 and impose a fine to that extent before releasing the lorry to the petitioners, if the same is not
already been released pursuant to the orders of this Court
dated 15-9-2000.

The writ petition, with the above directions, is accordingly disposed of. No costs.

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(V.V.S. RAO, J.)

13-06-2005.

Msr.

To

1 The Secretary, Food and Agricultural Department,
Union of India, New Delhi.
2 The District Collector, Nellore, Nellore District.
3 The Inspector of Police
V.C., C.S.D., Nellore, Nellore District.
4 2 CCs to Government Pleader for Civil Supplies,

High Court Buildings, Hyderabad.

5 2 CD copies.

HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.613 of 2000

13-06-2005

(Msr)